

SENATE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1717

AN ACT

To repeal sections 256.437, 256.438, 256.439, 256.440, and 256.443, RSMo, and to enact in lieu thereof seven new sections relating to water systems, with an emergency clause for a certain section.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

1 Section A. Sections 256.437, 256.438, 256.439, 256.440, and
2 256.443, RSMo, are repealed and seven new sections enacted in
3 lieu thereof, to be known as sections 256.437, 256.438, 256.440,
4 256.443, 256.447, 640.136, and 644.200, to read as follows:

5 256.437. As used in sections 256.435 to 256.445, the
6 following terms mean:

7 (1) "Director", the director of the department of natural
8 resources;

9 (2) "Flood control storage", storage space in reservoirs to
10 hold flood waters;

11 (3) "Plan", a preliminary engineering report describing the
12 water resource project;

13 (4) "Public water supply", a water supply for agricultural,
14 municipal, industrial or domestic use;

15 (5) "Sponsor", any political subdivision of the state or
16 any public wholesale water supply district;

1 (6) "Water resource project", a project containing
2 planning, design, construction, or renovation of:

3 (a) Public water supply [storage and treatment and water
4 source erosion]; [and]

5 (b) Flood control storage; or

6 (c) Treatment or transmission facilities for public water
7 supply.

8 256.438. 1. There is hereby established in the state
9 treasury a fund to be known as the "Multipurpose Water Resource
10 Program [Renewable Water Program] Fund", which shall consist of
11 all money deposited in such fund from whatever source, whether
12 public or private. Notwithstanding the provisions of section
13 33.080 to the contrary, any moneys remaining in the fund at the
14 end of the biennium shall not revert to the credit of the general
15 revenue fund. The state treasurer shall invest moneys in the
16 fund in the same manner as other funds are invested. Any
17 interest and other moneys earned on such investments shall be
18 credited to the fund. Any unexpended balance in such fund at the
19 end of any appropriation period shall not be transferred to the
20 general revenue fund and, accordingly, shall be exempt from the
21 provisions of section 33.080 relating to the transfer of funds to
22 the general revenue funds of the state by the state treasurer.

23 2. The department of natural resources is hereby granted
24 authority to establish rules by which project sponsors can remit
25 contributions to the fund created under this section. Such
26 contributions shall only be collected from water resource project
27 sponsors who are awarded financial assistance from the fund for
28 water resource projects, as described in sections 256.435 to

1 256.445. The contributions shall be used for the cost of
2 administering the fund and the provision of financial assistance
3 from the fund as described in sections 256.435 to 256.445.

4 3. Upon appropriation, the department of natural resources
5 shall use money in the fund created by this section for the
6 purposes of carrying out the provisions of sections 256.435 to
7 256.445, including, but not limited to, the provision of grants
8 or other financial assistance, and, if such limitations or
9 conditions are imposed, only upon such other limitations or
10 conditions specified in the instrument that appropriates, grants,
11 bequeaths, or otherwise authorizes the transmission of money to
12 the fund.

13 256.440. In order to ensure adequate, long-term, reliable
14 public water supply [storage], treatment, and transmission
15 facilities, there is hereby established a "Multipurpose Water
16 Resource Program". The program shall be administered by the
17 department of natural resources. The state may participate with
18 a sponsor in the development, construction or renovation of a
19 water resource project if the sponsor has a plan which has been
20 submitted to and approved by the director. Prior to approval,
21 such plan shall include a schedule, proposed by the sponsor, to
22 remit contributions back to the fund created under section
23 256.438. Any money received by the department of natural
24 resources as a result of its participation with any such sponsor
25 shall be deposited in the multipurpose water resource program
26 fund created under section 256.438.

27 256.443. 1. The plan shall include a description of the
28 project, the need for the project, land use and treatment

1 measures to be implemented to protect the project from erosion,
2 siltation and pollution, procedures for water allocation,
3 criteria to be implemented in the event of drought or emergency,
4 and such other information as the director may require to
5 adequately protect the water resource.

6 2. The director shall only approve a plan upon a
7 determination that long-term reliable public water supply
8 [storage], treatment, or transmission facility is needed in that
9 area of the state, and that such plan will provide a long-term
10 solution to water supply needs. Implementation of approved plans
11 will be eligible for cost-sharing expenses as approved by the
12 state soil and water districts commission incurred for required
13 land treatment practices to implement soil conservation plans.

14 3. [Water] Approved water resource plans and projects shall
15 be eligible to receive any gifts, contributions, grants or
16 bequests from federal, state, private or other sources for
17 engineering, construction or renovation costs associated with
18 such projects, except that no proceeds from the sales and use tax
19 levied pursuant to Sections 47(a) to 47(c) of Article IV of the
20 State Constitution shall be used for such purposes.

21 4. Approved water resource projects may be granted funds
22 from, and remit contributions to, the multipurpose water resource
23 program fund pursuant to section 256.438.

24 256.447. The department of natural resources may adopt
25 rules and regulations necessary to implement the provisions of
26 sections 256.437 to 256.445. Any rule or portion of a rule, as
27 that term is defined in section 536.010 that is created under the
28 authority delegated in this section shall become effective only

1 if it complies with and is subject to all of the provisions of
2 chapter 536, and, if applicable, section 536.028. This section
3 and chapter 536 are nonseverable and if any of the powers vested
4 with the general assembly pursuant to chapter 536, to review, to
5 delay the effective date, or to disapprove and annul a rule are
6 subsequently held unconstitutional, then the grant of rulemaking
7 authority and any rule proposed or adopted after August 28, 2016,
8 shall be invalid and void.

9 640.136. 1. Any public water system, as defined in section
10 640.102, or public water supply district, as defined in chapter
11 247, which intends to make modifications to fluoridation of its
12 water supply shall notify the department of natural resources,
13 the department of health and senior services, and its customers
14 of its intentions at least ninety days prior to any vote on the
15 matter. The public water system or public water supply district
16 shall notify its customers via radio, television, newspaper,
17 regular mail, electronic means, or any combination of
18 notification methods to most effectively notify customers at
19 least ninety days prior to any meeting at which the vote will
20 occur. Any public water system or public water supply district
21 that violates the notification requirements of this section shall
22 reinstate fluoridation of its water supply until proper
23 notification is provided under the provisions of this section.

24 2. In the case of an investor-owned water system, the
25 entity calling for the discussion of modifications to
26 fluoridation shall be responsible for the provisions of this
27 section.

28 644.200. 1. Notwithstanding any other provision of law,

1 the department of natural resources shall provide any
2 municipality or community currently served by a wastewater
3 treatment system with information regarding options to upgrade
4 the existing system to meet any new or existing discharge
5 requirements. The information provided shall include available
6 advanced technologies including biological treatment options.

7 2. The municipality or community, or a third party hired by
8 the community or municipality, may conduct an analysis of
9 available options to meet any new or existing discharge
10 requirements including, but not limited to, the construction or
11 installation of a new wastewater collection or treatment
12 facility, connection to an existing collection or treatment
13 facility outside the municipality or community, and upgrading or
14 expanding the existing wastewater treatment system. The analysis
15 shall include an examination of the feasibility and the cost of
16 each option.

17 3. If upgrading or expanding the existing wastewater
18 treatment system is feasible and cost effective and will enable
19 the system to meet the discharge requirements, the department
20 shall allow the entity to implement such option.

21 [256.439. In order to provide public water supply
22 storage treatment and water-related facilities in both
23 urban and rural areas of the state, there is hereby
24 established a "Multipurpose Water Resources Program".
25 The program shall be administered by the state
26 department of natural resources. The state department
27 of natural resources may adopt rules and regulations
28 necessary to implement the provisions of sections
29 256.437 to 256.445.]

30
31 Section B. Because immediate action is necessary to ensure
32 that a municipality or community has the ability to select the
33 most fiscally responsible option for safely treating wastewater

1 in its community, the enactment of section 644.200 of this act is
2 deemed necessary for the immediate preservation of the public
3 health, welfare, peace, and safety, and is hereby declared to be
4 an emergency act within the meaning of the constitution, and the
5 enactment of section 644.200 of this act shall be in full force
6 and effect upon its passage and approval.